

TOWNSEND and TOWNSEND and CREW LLP

By: 

Jennifer O'Brien

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DALE B. SCHENK et al.

Application No.: 09/724,288

Filed: November 28, 2000

For: PREVENTION AND TREATMENT
OF AMYLOIDOGENIC DISEASE

Confirmation No.: 9431

Examiner: Daniel Kolker

Art Unit: 1649

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER
37 CFR §1.97 and §1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of cite nos. 889-891, 893-898, and 900-903 are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Applicant also cites the following copending applications which are directed to related subject matter and are commonly owned or under an assignment obligation to be commonly owned:

09/201,430 filed 11/30/98; issued as U.S. 6,787,523 on 09/07/04;

09/724,477 filed 11/28/00; issued as U.S. 6,787,143 on 09/07/04;

09/723,927 filed 11/28/00; issued as U.S. 6,787,138 on 09/07/04;

09/723,762 filed 11/28/00; issued as U.S. 6,787,144 on 09/07/04 ;
09/724,102 filed 11/28/00; issued as U.S. 6,787,139 on 09/07/04;
09/724,489 filed 11/28/00; issued as U.S. 6,787,140 on 09/07/04;
10/816,022 filed 03/31/04; issued as U.S. 6,866,850 on 03/15/05;
10/816,529 filed 03/31/04; issued as U.S. 6,818,218 on 11/16/04;
10/815,391 filed 03/31/04; issued as U.S. 6,866,849 on 03/15/05;
10/934,818 filed 09/02/04;
11/108,102 filed 04/15/05;
11/245,524 filed 10/07/05;
10/934,609 filed 09/02/04; issued as U.S. 6,946,135 on 09/20/2005;
11/245,916 filed 10/7/05;
10/933,559 filed 09/02/04; issued as U.S. 6,972,127 on 12/06/05;
11/894,665 filed 08/20/07;
10/815,353 filed 03/31/04; issued as U.S. 6,808,712 on 10/26/04;
10/816,380 filed 03/31/04; issued as US 7,014,855 on 03/21/06;
10/815,404 filed 03/31/04; issued as U.S. 6,982,084 on 01/03/06;
10/884,892 filed 07/01/04; issued as U.S. 6,962,707 on 11/08/05;
09/322,289 filed 05/28/99;
09/724,319 filed 11/27/00;
09/723,384 filed 11/27/00; issued as U.S. 6,710,226 on 03/23/04;
10/429,216 filed 05/30/03;
10/828,548 filed 04/19/04;
10/923,471 filed 08/20/04;
10/923,474 filed 08/20/04;
10/923,605 filed 08/20/04;

10/923,469 filed 08/20/04;
09/724,940 filed 11/28/00; issued as U.S. 6,905,686 on 06/14/05;
09/724,961 filed 11/28/00; issued as U.S. 6,743,427 on 6/1/04;
09/580,018 filed 05/26/00; issued as U.S. 6,761,888 on 07/13/04;
09/724,552 filed 11/28/00; issued as U.S. 6,750,324 on 6/15/04;
09/724,273 filed 11/28/00;
09/724,551 filed 11/28/00; issued as U.S. 6,787,637 on 09/07/04;
09/724,288 filed 11/28/00;
10/777,792 filed 02/11/04;
10/890,000 filed 07/12/04;
09/723,765 filed 11/28/00;
11/842,116 filed 08/20/2007;
11/842,120 filed 08/20/2007;
11/842,113 filed 08/20/2007;
11/842,101 filed 08/20/2007;
11/842,085 filed 08/20/2007;
09/724,567 filed 11/28/00; issued as U.S. 6,890,535 on 05/10/05;
09/724,575 filed 11/28/00;
09/724,953 filed 11/28/00; issued as U.S. 6,875,434 on 04/05/05;
09/724,570 filed 11/28/00; issued as U.S. 6,936,246 on 08/30/05; and
09/979,952 filed 04/09/02 (U.S. National Stage of PCT/US00/15239
filed 06/01/00); issued as U.S. 6,913,745 on 07/05/05.

Applicant also cites the following compending applications directed to related
subject matter but subject to different assignment:

10/010,942 filed 12/06/01; Issued as US 7,189,819 on 03/13/07;
10/232,030 filed 08/30/02;

10/388,389 filed 03/12/03; issued as US 7,179,892 on 02/20/07;
10/388,214 filed 03/12/03; issued as US 7,256,273 on 08/14/2007;
10/858,855 filed 06/01/04;
11/894,789 filed 08/20/07;
11/894,754 filed 08/20/07;
11/894,714 filed 08/20/07;
10/771,174 filed 02/04/04;
11/304,986 filed 12/15/05;
11/305,889 filed 12/15/05;
11/305,899 filed 12/15/05;
11/303,478 filed 12/15/05;
10/544,093 filed 08/01/05 (U.S. National Stage of PCT/US04/02856
filed 01/31/04);
11/342,353 filed 01/27/06;
11/841,794 filed 08/20/07;
11/841,832 filed 08/20/07;
11/841,857 filed 08/20/07;
10/583,503 filed 06/16/06
11/454,772 filed 06/16/06.
11/664,865 filed 10/06/05;
11/516,724 filed 09/05/06;
11/707,639 filed 02/16/07;
11/520,438 filed 09/12/06; and
11/841,849 filed 08/20/07;
11/841,882 filed 08/20/07;
11/841,993 filed 08/20/07;

11/841,919 filed 08/20/07;
11/841,950 filed 08/20/07;
11/842,023 filed 08/20/07;
11/842,042 filed 08/20/07; and
11/842,056 filed 08/20/07.

Applicant further cites the following commonly owned abandoned applications or abandoned applications under an assignment obligation to be commonly owned which are directed to related subject matter:

60/067,740 filed 12/02/97;
60/080,970 filed 04/07/98;
10/928,926 filed 08/27/04;
09/580,015 filed 05/26/00;
10/889,999 filed 04/12/04;
09/580,019 filed 05/26/00;
09/724,291 filed 11/28/00;
09/585,656 filed 06/01/00;
09/723,766 filed 11/27/00;
09/723,725 filed 11/27/00;
09/980,568 filed 03/12/02 (U.S. National Stage of PCT/US00/15302 filed 06/01/00);
09/579,690 filed 05/26/00;
60/067,219 filed 12/03/97;
60/079,697 filed 03/27/98;
09/204,838 filed 12/03/98;
09/724,921 filed 11/28/00;

09/724,929 filed 11/28/00;
60/137,010 filed 06/01/99;
60/137,047 filed 06/01/99;
60/136,655 filed 05/28/99,
09/723,544 filed 11/28/00.
09/497,553 filed 02/03/00;
09/723,713 filed 11/27/00;
09/723,760 filed 11/27/00;
09/724,495 filed 11/27/00;
10/788,666 filed 02/27/04;
09/979,701 filed 03/13/01 (U.S. National Stage of PCT/US00/14810
filed 05/26/00);
11/058,757 filed 02/14/05;
11/396,391 filed 03/30/2006.
10/822,968 filed 04/12/04;
10/823,463 filed 04/12/04;
10/890,024 filed 04/12/04;
10/890,070 filed 07/12/04;
10/923,267 filed 08/20/04;
10/934,819 filed 09/02/04; and
10/890,071 filed 07/12/04;

Applicant also cites the following abandoned applications directed to related subject matter but subject to different assignment:

10/703,713 filed 11/07/03;
10/704,070 filed 11/07/03;
10/789,273 filed 2/27/04;
11/260,047 filed 10/26/05;
11/304,072 filed 12/15/05;
11/396,417 filed 03/30/06;
11/413,638 filed 04/28/06;
60/251,892 filed 12/06/00;
60/444,150 filed 02/01/03;
60/616,474 filed 10/05/04;
60/530,481 filed 12/17/03;
60/474,654 filed 05/30/03;
60/363,751 filed 03/12/02.
60/622,525 filed 10/26/04;
60/636,684 filed 12/15/04;
60/636,842 filed 12/15/04;
60/637,253 filed 12/16/04;
60/636,810 filed 12/15/04;
60/637,138 filed 12/16/04;
60/636,776 filed 12/15/04;
60/636,687 filed 12/15/04;
60/736,045 filed 11/10/05;
60/691,821 filed 06/17/05; and

60/648,631 filed 01/28/05.

60/736,119 filed 11/10/05;

60/735,687 filed 11/10/05;

60/793,014 filed 04/18/06.

Applicant points out that the following applications are now commonly assigned but were previously subject to different assignment than the present application:

60/067,219 filed 12/03/97;

60/079,697 filed 03/27/98;

09/204,838 filed 12/03/98;

09/724,921 filed 11/28/00; and,

09/724,929 filed 11/28/00.

Applicants note that an opposition has been filed against European application, EP 0 568 575. EP 0 568 575 is a commonly owned application directed to related subject matter and corresponding to U.S. Application Nos. 09/204,838 filed 12/03/98, 09/724,921 filed 11/28/00; and, 09/724,929 filed 11/28/00 (all of record). References D1-D2, D5-D6, D10-D11, and D19-D21 cited in the opposition are being made of record and are identified on the PTO/SB/08A and PTO/SB/08B forms previously submitted with the Supplemental IDS dated December 21, 2006 as reference nos. 760-763 and 765-769. Other references cited in the opposition are already of record. All papers in the opposition can be viewed online at the European Patent Office at ofi/epoline.org/view/getdossier or can be provided on request. The opposition is still in progress.

The Assignee of the instant application is a licensee of U.S. Patent No. 5,688,651, which is directed in part to subject matter related to the instant application. U.S. Patent No. 5,688,651 is now undergoing examination reissue as U.S. Application No. 09/441,140. A

divisional of US 09/441,140 is also undergoing examination reissue as U.S. Application No. 11/358,951.

U.S. Patent No. 5,688,651 was previously cited in the IDS submitted September 10, 2001 as cite no. 16. U.S. Application No. 09/441,140 was previously cited in the Supplemental IDS submitted on September 9, 2003 as cite no. 283. U.S. Application No. 11/358,951 is submitted herewith as cite no. 899.

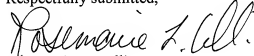
Applicant understands the Examiner can access papers from the prosecution of the cited cases electronically via PALM. However, if the Examiner has difficulty obtaining papers from that source he or she are invited to call the undersigned who will be happy to supply them.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


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